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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 GERALD TONY JUE,

17 Defendant.

) No. 19-CR-0260 HSG

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO POSTPONE STATUS**
) **CONFERENCE FROM OCTOBER 7, 2019**
) **TO OCTOBER 21, 2019 AND TO**
) **EXCLUDE TIME UNDER THE SPEEDY**
) **TRIAL ACT FROM OCTOBER 7, 2019**
) **THROUGH OCTOBER 21, 2019**

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19
20 **STIPULATION**

21 Now, therefore, it is hereby stipulated between counsel for the United States and counsel for the
22 defendant Gerald Tony Jue that the pending status conference set for October 7, 2019 be postponed to
23 October 21, 2019 at 2:00 p.m.

24 The parties base this request on their ongoing discussions and exchange of information regarding
25 resolution of this case. Counsel met to discuss the case on September 30, 2019. Based on that meeting
26 and the information discussed, counsel believe additional time is needed to evaluate the status and
27 possible disposition of this case. The parties request this two-week postponement, rather than a one-
28 week period, because government counsel has a conflict on October 14, 2019.

1 It is also further stipulated by and between counsel for the United States and counsel for
2 defendant that time be excluded under the Speedy Trial Act from October 7, 2019 to October 21, 2019.
3 The parties stipulate and agree that excluding time until October 21, 2019, will allow for the effective
4 preparation of counsel and for continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties
5 further stipulate and agree that the ends of justice served by excluding the time from October 7, 2019 to
6 October 21, 2019, from computation under the Speedy Trial Act outweigh the best interests of the public
7 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

8 The undersigned Assistant United States Attorney certifies that he has obtained approval from
9 counsel for the defendant to file this stipulation and proposed order.

10 IT IS SO STIPULATED.

11 DATED: October 3, 2019

/s/

JONATHAN U. LEE
Assistant United States Attorney

13 DATED: October 3, 2019

/s/

MARY MCNAMARA
Counsel for Defendant Jue

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17 **(PROPOSED) ORDER**

18 Based upon the facts set forth in the stipulation of the parties, and for good cause shown, the
19 Court postpones the status conference currently on calendar for October 7, 2019 at 2:00 p.m. to October
20 14, 2019 at 2:00 p.m.

21 In addition, based on the reasons provided in the stipulation of the parties above, the Court
22 hereby finds that for adequate preparation of the case by defense counsel, and in the interest of justice,
23 pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the
24 Speedy Trial Act. Furthermore, based upon the facts set forth in the stipulation of the parties and for
25 good cause shown, the Court finds that failing to exclude the time between October 7, 2019 to October
26 21, 2019 would deny counsel the reasonable time necessary for effective preparation, taking into
27 account the exercise of due diligence, and for continuity of counsel for defendant. 18 U.S.C. §
28 3161(h)(7)(B)(iv). The Court further finds that the ends of justice are served by excluding the time

1 between October 7, 2019 to October 21, 2019 from computation under the Speedy Trial Act outweigh
2 the best interests of the public and the defendant in a speedy trial.

3 Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from
4 October 7, 2019 to October 21, 2019 shall be excluded from computation under the Speedy Trial Act.
5 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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8 DATED: October 4, 2019


THE HON. HAYWOOD S. GILLIAM, JR.
United States District Judge